

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 22, 2001

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and Connie Hon,
Deputy Clerk.

Each of the following:

B133348 People v. Caldwell
B134811 People v. Sermenio
B147605 In re Sermenio on Habeas Corpus
B138940 People v. Turner
B141048 People v. Forbes
B141285 People v. Williams
B143421 People v. Travis
B143654 D.C.F.S. v. Ricardo M.
B143871 People v. Hector C.
B144079 D.C.F.S. v. Eugene S.
B144128 People v. Hamilton
B144412 People v. MacNeil
B144605 D.C.F.S. v. Tony T. & Latochia W.
B144715 D.C.F.S. v. Jessica L.
B144884 People v. David P.
B145132 D.C.F.S. v. Yvette B.
B145975 D.C.F.S. v. Julie K.
B146122 People v. Antown B.
B146803 Ronald T. v. S.C.L.A. (D.C.F.S., rpi)
B147709 Paula D. v. S.C.L.A. (D.C.F.S., rpi)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B143886 People
 v.
 Yem

Merits:

Argued by Marta Stanton for appellant and by Myung J. Park, deputy attorney general, for respondent. Cause submitted.

B140463 People
 v.
 Johnson

Merits:

Argued by Tracy Dressner for appellant and by Corey J. Robbins, deputy attorney general, for respondent. Cause submitted.

B141408 People v. Thanh H.
B145914 In re Thanh H. on Habeas Corpus

Merits:

Argued by Mary Bernstein for appellant/petitioner and by Ana R. Duarte, deputy attorney general, for respondent. Cause submitted.

B142184 Mighty Enterprises, Inc.
 v.
 Taiwan Machinery Trade Center
 Migler

Merits:

Argued by James Migler for appellant. No appearance for respondent. Cause submitted.

DIVISION ONE (Continued)

B130281 Ko et al.
v.
Lin et al.

Merits:

Argued by Ronald C. Peterson for respondent and by Robert M. Turner for respondent Lai. No appearance for appellants. Cause submitted.

B143432 Ezell
v.
Eldridge

Merits:

Argued by Fred N. Gaines for appellant and by Russell J. Thomulka for respondent. Cause submitted.

B139581 Farmers and Merchants Bank of Long Beach
v.
Bennett

Merits:

Argued by Charles H. Smith for appellant and by John Gloger for respondent. Cause submitted.

Mallano, J. leaves the bench.

B139246 People v. Bell
B144179 In re Bell on Habeas Corpus

Merits:

Argued by Fay Arfa for appellant and by Ana R. Duarte, deputy attorney general, for respondent. Cause submitted.

Mallano, J. returns to the bench.

DIVISION ONE (Continued)

B143689 Preuitt
 v.
 County Of Los Angeles et al.

Merits:
Argued by B. Kwaku Duren for appellant and by Syna N. Dennis, deputy county counsel, for respondents. Cause submitted.

B141515 Brown
 v.
 Barto/Signal Petroleum, Inc., et al.

Merits:
Argued by Allen Hyman for appellant and by William D. Coffee for respondents. Cause submitted.

B147607 Nelson et al.
 v.
 Superior Court, Los Angeles County
 (County Of Los Angeles et al., r.p.i.)

Merits:
Argued by Leo James Terrell for petitioners and by Alan Diamond for real parties in interest. Cause submitted.

Spencer, P.J. leaves the bench.

B147655 Tifkat, L.P., et al.
 v.
 Superior Court, Los Angeles County
 (KPMG LLP, r.p.i.)

Merits:
Argued by Marc J. Poster for petitioners and by William A. MacArthur for real party in interest. Cause submitted.

Spencer, P.J. returns to the bench.

DIVISION ONE (Continued)

B141398 Stokes
 v.
 SCE Corporation et al.

Merits:
Argued by Loyst P. Fletcher for appellant and by Marcia T. Law for respondents. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

B134855 G. Rick Marshall
 v.
 Board of Education of Torrance Unified School District et al.

Merits:
Argued by Manuel S. Klausner and Marcy Tiffany for appellant and Richard R. Terzian for respondents. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

B139606 People
 v.
 Lee

Merits:
Argued by H. Elizabeth Harris for appellant and by Rama R. Maline, deputy attorney general, for respondent. Cause submitted.

B145399 Covenant Care v. S.C.L.A. (Inclan et al., rpi)
B145406 Kane et al. v. Superior Court Los Angeles County (Inclan et al., r.p.i.)

Merits:
Argued by Christoph T. Nettesheim and Stephanie Charles for petitioners and by Russell S. Balisok for real parties in interest. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

DIVISION ONE (Continued)

B148045 City of Pomona et al.
v.
Superior Court, Los Angeles County
(James Jones Company et al., r.p.i.)

Merits:

Argued by Eric R. Havian for petitioners, by Mitchell C. Tilner for real party in interest and by David S. MacCuish for real party in interest Watts Industries. Cause submitted.

Court adjourned at 12:30 P.M.

DIVISION TWO

B119462 People (Not for Publication)
v.
Aaron Tyrone Hicks et al.

The judgment against Aaron Tyrone Hicks (also known as Aaron Tyrone Meyers) in Los Angeles County Superior Court case No. NA013732 is affirmed.

The judgment against Aaron Tyrone Hicks in Los Angeles County Superior Court case No. NA030337 is modified to provide that Aaron Tyrone Hicks is given 660 days of presentence custody credit, consisting of 440 days of actual custody credit and 220 days of conduct credit. As modified, the judgment against Aaron Tyrone Hicks in Los Angeles County Superior Court case No. NA030337 is affirmed.

The judgment against Nyingi Askuri Bradford is affirmed.

The judgment against Norman Cook is modified to provide that Norman Cook is given 703 days of presentence custody credit, consisting of 469 days of actual custody credit and 234 days of conduct credit. As modified, the judgment against Norman Cook is affirmed.

Nott, Acting P.J.

We concur: Cooper, J.
Todd, J.

DIVISION THREE

B142826 Los Angeles County, D.C.F.S. (Not for Publication)
B148594 v.
Donna C., a.k.a. Donna L.

The orders are affirmed. The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B145394 Gangwish (Not for Publication)
v.
Workers Compensation Appeals Board

The decision of the WCAB in regards to section 4650 is annulled and the matter is remanded for further proceedings consistent with this opinion.

Klein, P.J.

We concur: Croskey, J.
Aldrich, J.

B132612 Doherty (Not for Publication)
v.
MJJ Ventures, Inc., MJJ Productions, Inc. and Steve Chabre

The judgment is affirmed. Respondent(s) to recover costs.

Klein, P.J.

We concur: Croskey, J.
Aldrich, J.

DIVISION THREE (Continued)

B137247 Matter of Grace Ammon Trust
v.
Michael J. Shaffer

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

[illegible]

The order continuing wardship is modified by striking the trial court's finding that the 1996 felonious assault offenses alleged in the May 23, 1996 petition were offenses listed in Welfare and Institutions Code section 707, subdivision (b), and, as modified, the order continuing wardship is affirmed. The trial court is directed to correct its October 13, 2000 minute order by deleting "707b" from that minute order's reference to the offenses alleged in the petition filed May 23, 1996, and by deleting "707(b)" from that minute order's reference to the offenses alleged in the petition filed June 2, 1998.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B139351 People (Not for Publication)
v.
Simpson

The judgment is affirmed. The matter is remanded to the trial court for the preparation and filing of an amended Abstract of Judgment.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B142139 Moca (Not for Publication)
v.
Moca

The order of the trial court is affirmed. Respondents shall have their costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B142174 Wright (Not for Publication)
v.
Mosley

The judgment is reversed insofar as it is based upon the verdict awarding damages for breach of written contract, and affirmed insofar as it is based upon the reasonable value of services. The award of attorney fees and costs pursuant to Civil Code section 1717 is vacated. Appellants Shane Mosley and Jack Mosley shall have their costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B136018 Smith
v.
City of Santa Monica

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION SIX

B143822 People (Not for Publication)
v.
Armstrong

The judgment (order of commitment) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B144302 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Octavio H.
In re Daniel H., a Person Coming Under the Juvenile Court Law.

The juvenile court order terminating parental rights is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.
Woods, J.

B142363 People (Not for Publication)
v.
Burkes

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B133588 People (Not for Publication)
v.
Brewer et al.

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

B140320 People (Not for Publication)
v.
Paolo Banaag and Mike Lee

The judgment as to Banaag is modified by striking the enhancement under section 12022.53 and in all other respects affirmed. The judgment as to Lee is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Boland, J. (Assigned)

B141896 Rodenbush et al. (Not for Publication)
v.
Bissell et al.

The trial court's judgment in favor of Bissel is reversed. Appellants are entitled to recover their costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B142129 Fox Searchlight Pictures, Inc. (Certified for Publication)

v.

Gia Paladino

B143537 Gia Paladino

v.

Fox Searchlight Pictures, Inc.

The order denying Fox's motions to disqualify Paladino's counsel is affirmed. The order denying Paladino's motion to strike under code of Civil Procedure section 425.16 is reversed. The documents lodged in this court by Fox under seal are ordered not to be filed but returned to Fox. Paladino is awarded her costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B138487 People

v.

Picazo

Filed order denying petition for rehearing. Justice Johnson would grant the petition.

B136865 People

v.

David S., a minor

Filed order granting petition for rehearing.